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BY EMAIL

CONFIDENTIAL

Zachary R. Bergman, Esq.  
Stulberg & Walsh LLP  
14 Wall Street, Suite 5G  
New York, NY 10005

Re: Kraiem v. JonesTrading Institutional Services, LLC., et al.  
19-cv-5160 (ALC)(SDA)

Dear Mr. Bergman:

We are writing regarding your May 26, 2023 ESI Letter that identified a list of custodians and search terms that Plaintiff provided in connection with Plaintiff's First Request for the Production of Documents dated March 31, 2023 ("Plaintiff's RFP"). Defendants' objections to Plaintiff's lists of custodians and search terms are as follows:

• **Search 1:**

Plaintiff requested "all electronic documents" for Nefissa Kraiem. Defendants object to this request as overbroad and unduly burdensome. Defendants further object to this request as it is not limited by date or search terms and is likely to result in documents that are already in Plaintiff's possession, custody or control. Without waiving the foregoing objections, Defendants will search for documents responsive to Plaintiff's document requests but will not produce "all electronic documents" for Nefissa Kraiem.

• **Search 2:**

Plaintiff's second search request included 125 different search terms for 8 different custodians. The custodians include William "Packy" Jones; Alan Hill; Steve Chmielewski, Tim O'Neil; David Mazzullo; Shlomo Cohen; Gary Cunningham; and Mary Moser.

Defendants object to the scope of Plaintiff's request as overbroad, unduly burdensome, and unlikely to lead to the discovery of admissible evidence. Not only is the number of search

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terms requested unduly burdensome, but many of the search terms are simply not relevant to the subject matter of this action or to the claims and defenses of any party to this action.

Without waiving the foregoing objections, Defendants have run the requested searches for each custodian and the searches resulted in approximately 110,000 documents, including family and related documents. These results support Defendants contention that the scope of Plaintiff's request is overbroad, unduly burdensome, and unlikely to lead to the discovery of admissible evidence.

To avoid the need for Court intervention, Defendants propose (i) removing search terms that are not relevant to the subject matter of this action and (ii) narrowing terms that result in over 1,000 documents or are likely to produce non-responsive documents. Below is a chart with Plaintiff's proposed terms, Defendants' search result, and Defendant's proposed action:

<u>Search Term</u>	<u>Hits</u>	<u>Family</u>	<u>Action</u>	<u>Note</u>
"Jones & Associates"	0	0	Keep	
Abu Dhabi Investment Authority OR adia	265	317	Remove	Not Relevant
Alleg*	2,812	4,438	Narrow	"Allege"; "Alleges"; "Allegation" ; "Allegations"; and "Alleging"
anti-harassment	89	121	Keep	
Arrest*	765	1,147	Remove	Not Relevant
Ask for forgiveness	0	0	Keep	
Aspen	1,968	2,488	Remove	Not Relevant
Ass	769	1,155	Narrow	Within the same family as any reference to Plaintiff
Asylum	101	140	Keep	
bad woman	12	33	Narrow	Within the same family as any reference to Plaintiff
Bang*	756	1,213	Narrow	Within the same family as any reference to Plaintiff
Beauty	1,838	2,145	Narrow	Within the same family as any reference to Plaintiff
Bird*	1,501	2,194	Narrow	Within the same family as any reference to Plaintiff
bitch	74	83	Narrow	Within the same family as any reference to Plaintiff
Blitz*	159	255	Remove	Not Relevant

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<u>Search Term</u>	<u>Hits</u>	<u>Family</u>	<u>Action</u>	<u>Note</u>
Board	12,512	18,365	Narrow	"Board of Directors" or "Board Member"
Boob*	30	41	Narrow	Within the same family as any reference to Plaintiff
Bootsy bellows	0	0	Keep	
Booze*	174	180	Remove	Not Relevant
Break up	402	561	Narrow	Within the same family as any reference to Plaintiff
Breast*	854	1,946	Narrow	Within the same family as any reference to Plaintiff
broke up	11	17	Narrow	Within the same family as any reference to Plaintiff
Bush	454	669	Narrow	Within the same family as any reference to Plaintiff
call girl	1	1	Remove	Not Relevant
Cannabis	244	321	Remove	Not Relevant
change coverage now	0	0	Keep	
Charge	8,351	12,618	Narrow	"Charge of Discrimination"
Chick*	889	1,232	Narrow	Within the same family as any reference to Plaintiff
claim	4,488	8,092	Narrow	Within the same family as any reference to Plaintiff
Club	7,186	8,559	Remove	Not Relevant
Cocaine	133	138	Remove	Not Relevant
Coke	219	268	Remove	Not Relevant
Complain*	2,148	3,573	Narrow	Within the same family as any reference to Plaintiff
Complaint*	1,494	2,681	Narrow	Within the same family as any reference to Plaintiff
D.E. Shaw OR DE Shaw OR Shaw	1,606	2,077	Remove	Not Relevant
Dallas	3,186	4,036	Narrow	Within the same family as any reference to Plaintiff
Deck	2,331	2,831	Remove	Not Relevant
Deck*	2,677	3,315	Remove	Not Relevant

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<u>Search Term</u>	<u>Hits</u>	<u>Family</u>	<u>Action</u>	<u>Note</u>
dick	2,325	2,673	Narrow	Within the same family as any reference to Plaintiff
Discrimi*	1,114	2,567	Narrow	Within the same family as any reference to Plaintiff
Dividend*	5,727	9,380	Remove	Not Relevant
Dolphin	204	284	Remove	Not Relevant
down on	1,508	1,918	Remove	Not Relevant
Drama	373	550	Narrow	Within the same family as any reference to Plaintiff
Drink*	4,123	4,931	Remove	Not Relevant
Drug*	4,850	6,611	Remove	Not Relevant
Drunk	128	158	Remove	Not Relevant
Entertainment	4,589	6,341	Narrow	Within the same family as any reference to Plaintiff
Evasive action	3	3	Keep	
Fashion	2,157	3,137	Narrow	Within the same family as any reference to Plaintiff
Fuck*	369	446	Narrow	Within the same family as any reference to Plaintiff
Gerrards cross	273	377	Remove	Not Relevant
Girl*	4,955	5,454	Narrow	Within the same family as any reference to Plaintiff
Grass	438	664	Remove	Not Relevant
Green	4,767	7,388	Remove	Not Relevant
Hammer*	742	989	Remove	Not Relevant
Hangover	134	200	Remove	Not Relevant
Harass*	1,030	1,602	Narrow	Within the same family as any reference to Plaintiff
Hemp	27	45	Remove	Not Relevant
Hook*	837	1,128	Remove	Not Relevant
Hooker	34	47	Remove	Not Relevant
hot	3,774	4,777	Narrow	Within the same family as any reference to Plaintiff
Hotel	5,483	6,652	Narrow	Within the same family as

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<u>Search Term</u>	<u>Hits</u>	<u>Family</u>	<u>Action</u>	<u>Note</u>
				any reference to Plaintiff or Dallas, Texas
hungover	16	17	Remove	Not Relevant
Inmates	66	178	Remove	Not Relevant
Investig*	5,524	9,270	Narrow	Within the same family as any reference to Plaintiff
JA	252	550	Remove	Not Relevant
Jacuzzi	32	40	Remove	Not Relevant
Jazz cabbage	0	0	Remove	Not Relevant
Kraiem	1,414	1,856	Keep	
last night	3,818	4,351	Narrow	Within the same family as any reference to Plaintiff
lion king	242	247	Keep	
Marijuana	400	519	Remove	Not Relevant
Minute*	11,694	14,414	Remove	Not Relevant
Motherlode Mansion OR Motherlode	7	7	Remove	Not Relevant
Mushroom	114	133	Remove	Not Relevant
Nef	78	113	Keep	
Nefissa	2,247	2,742	Keep	
Nefissa SK	0	0	Keep	
Nefissa SK*	0	0	Keep	
Nefissa Soraya Kraiem	483	517	Keep	
NK	193	478	Keep	
NSFW	60	60	Remove	Not Relevant
one pager	95	152	Remove	Not Relevant
Photo*	7,338	10,703	Narrow	Within the same family as any reference to Plaintiff
Pic*	15,913	20,043	Remove	Not Relevant
Pot	1,136	1,391	Remove	Not Relevant
Powder	526	748	Remove	Not Relevant
Presentation	3,283	5,256	Remove	Not Relevant

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<u>Search Term</u>	<u>Hits</u>	<u>Family</u>	<u>Action</u>	<u>Note</u>
Presentation*	3,749	6,071	Remove	Not Relevant
Princess	162	247	Narrow	Within the same family as any reference to Plaintiff
Profit*	10,548	16,286	Remove	Not Relevant
Prostitute	3	4	Remove	Not Relevant
Rumor	311	340	Narrow	Within the same family as any reference to Plaintiff
Screw*	438	501	Narrow	Within the same family as any reference to Plaintiff
Sex	1,035	2,159	Narrow	Within the same family as any reference to Plaintiff
Sex*	1,972	3,507	Narrow	Within the same family as any reference to Plaintiff
Shareholder	5,191	8,250	Remove	Not Relevant
Shroom	2	2	Remove	Not Relevant
sit on his face	1	1	Narrow	Within the same family as any reference to Plaintiff
Ski	1,123	1,236	Remove	Not Relevant
Skiing	734	847	Remove	Not Relevant
Slayed	1	1	Remove	Not Relevant
Sleep*	1,767	2,091	Narrow	Within the same family as any reference to Plaintiff
Slept	102	111	Narrow	Within the same family as any reference to Plaintiff
Snow*	2,269	2,833	Remove	Not Relevant
strip club	17	32	Remove	Not Relevant
Strip*	1,544	2,244	Remove	Not Relevant
stupid woman	11	11	Narrow	Within the same family as any reference to Plaintiff
Suck*	861	1,023	Narrow	Within the same family as any reference to Plaintiff
Talent	1,095	1,643	Remove	Not Relevant
the closing print	227	320	Remove	Not Relevant
the Jimmy	52	53	Keep	

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<u>Search Term</u>	<u>Hits</u>	<u>Family</u>	<u>Action</u>	<u>Note</u>
the king	253	318	Remove	Not Relevant
the white	1,716	1,810	Remove	Not Relevant
Tits	9	13	Narrow	Within the same family as any reference to Plaintiff
what traders are watching	213	368	Narrow	Within the same family as any reference to Plaintiff
Whore	15	35	Narrow	Within the same family as any reference to Plaintiff
Wom*	8,420	9,396	Narrow	Within the same family as any reference to Plaintiff
Zullu OR Zulu	129	152	Remove	Not Relevant

**Search 3:**

Plaintiff's third search request included 117 different search terms for 17 different custodians. The custodians include Jeff LeVeen, John Martinelli, Jeffrey Sloves, Charlie McBride, Yousef Abbasi, Philip Rosato, Darren Yarlett, John D'Agostini, Marc Altmann, Jake Cole, Simon Pearce, Janson Simpson, Marc Edwards, Alex Cohen, Katie O'Connor, Jason Lavender, and Elly Gibbs.

As with Search 2, Defendants object to the scope of Plaintiff's request as overbroad, unduly burdensome, and unlikely to lead to the discovery of admissible evidence. Not only is the number of search terms requested unduly burdensome, but many of the search terms are simply not relevant to the subject matter of this action or to the claims and defenses of any party to this action. For example, custodian Alex Cohen was no longer employed by JTIS as of January 1, 2016, the time period covered by Plaintiff's document requests. Thus, any communications or documents maintained by JTIS would not be responsive to Plaintiff's requests.

Without waiving the foregoing objections, Defendants have run the requested searches for each custodian and the search results in over 85,000 documents, including family and related documents. Notably, these search results are in addition to the 110,000 documents in Search 2. These results support Defendants' contention that the scope of Plaintiff's request is overbroad, unduly burdensome, and unlikely to lead to the discovery of admissible evidence.

To avoid the need for Court intervention, Defendants propose (i) removing search terms that are not relevant to the subject matter of this action and (ii) narrowing terms that result in over 1,000 documents or are likely to produce non-responsive documents. Below is a chart with Plaintiff's proposed terms, Defendants' search result, and Defendant's proposed action:

<u>Search Term</u>	<u>Hits</u>	<u>Family</u>	<u>Action</u>	<u>Note</u>
Abu Dhabi	1,810	2,285	Remove	Not Relevant

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<u>Search Term</u>	<u>Hits</u>	<u>Family</u>	<u>Action</u>	<u>Note</u>
Investment Authority OR adia				
Alleg*	4,096	8,014	Narrow	“Allege”; “Alleges”; “Allegation” ; “Allegations”; and “Alleging”
anti-harassment	8	12	Keep	
Ask for forgiveness	3	3	Keep	
Aspen	2,447	4,167	Remove	Not Relevant
Ass	504	1,577	Narrow	Within the same family as any reference to Plaintiff
Asylum	46	112	Keep	
bad woman	0	0	Keep	
Bang*	2,126	5,929	Narrow	Within the same family as any reference to Plaintiff
Beauty	1,410	3,478	Narrow	Within the same family as any reference to Plaintiff
Bird*	916	2,015	Narrow	Within the same family as any reference to Plaintiff
bitch	66	68	Narrow	Within the same family as any reference to Plaintiff
Blitz*	97	225	Narrow	Within the same family as any reference to Plaintiff
Boob*	27	27	Narrow	Within the same family as any reference to Plaintiff
Bootsy bellows	1	2	Narrow	Within the same family as any reference to Plaintiff
Booze*	126	137	Remove	Not Relevant
Break up	710	1,826	Narrow	Within the same family as any reference to Plaintiff
Breast*	1,002	3,421	Narrow	Within the same family as any reference to Plaintiff
broke up	41	52	Narrow	Within the same family as any reference to Plaintiff
Bush	430	991	Narrow	Within the same family as any reference to Plaintiff
call girl	0	0	Remove	Not Relevant

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<u>Search Term</u>	<u>Hits</u>	<u>Family</u>	<u>Action</u>	<u>Note</u>
Cannabis	161	244	Remove	Not Relevant
change coverage now	0	0	Keep	
Charge	7,769	15,715	Narrow	"Charge of Discrimination"
Chick*	1,191	2,232	Narrow	Within the same family as any reference to Plaintiff
claim	3,044	8,255	Narrow	Within the same family as any reference to Plaintiff
Club	3,746	6,310	Remove	Not Relevant
Cocaine	44	77	Remove	Not Relevant
Coke	686	1,606	Remove	Not Relevant
Complain*	2,024	3,898	Narrow	Within the same family as any reference to Plaintiff
Complaint*	1,361	2,903	Narrow	Within the same family as any reference to Plaintiff
D.E. Shaw OR DE Shaw OR Shaw	848	2,079	Remove	Not Relevant
Dallas	4,858	7,886	Narrow	Within the same family as any reference to Plaintiff
Deck	5,061	8,416	Remove	Not Relevant
Deck*	5,587	9,513	Remove	Not Relevant
dick	812	1,873	Narrow	Within the same family as any reference to Plaintiff
Discrimi*	335	1,522	Narrow	Within the same family as any reference to Plaintiff
Dolphin	143	442	Remove	Not Relevant
down on	2,021	4,955	Remove	Not Relevant
Drama	470	898	Narrow	Within the same family as any reference to Plaintiff
Drink*	2,812	5,020	Remove	Not Relevant
Drug*	8,238	13,734	Remove	Not Relevant
Drunk	124	158	Remove	Not Relevant
Entertainment	4,920	9,712	Narrow	Within the same family as any reference to Plaintiff
Evasive action	0	0	Keep	

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<u>Search Term</u>	<u>Hits</u>	<u>Family</u>	<u>Action</u>	<u>Note</u>
Fashion	2,098	6,270	Narrow	Within the same family as any reference to Plaintiff
Fuck*	104	119	Narrow	Within the same family as any reference to Plaintiff
Gerrards cross	30	43	Remove	Not Relevant
Girl*	1,220	1,778	Narrow	Within the same family as any reference to Plaintiff
Grass	176	445	Remove	Not Relevant
Green	8,226	15,258	Remove	Not Relevant
Hammer*	1,206	3,062	Remove	Not Relevant
Hangover	396	717	Remove	Not Relevant
Harass*	362	482	Narrow	Within the same family as any reference to Plaintiff
Hemp	21	23	Remove	Not Relevant
Hook*	913	2,610	Remove	Not Relevant
Hooker	172	294	Remove	Not Relevant
hot	3,445	7,216	Narrow	Within the same family as any reference to Plaintiff
Hotel	3,372	6,807	Narrow	Within the same family as any reference to Plaintiff or Dallas, Texas
hungover	52	55	Remove	Not Relevant
Inmates	25	92	Remove	Not Relevant
Investig*	7,363	14,257	Narrow	Within the same family as any reference to Plaintiff
Jacuzzi	21	25	Remove	Not Relevant
Jazz cabbage	0	0	Remove	Not Relevant
Kraiem	1,576	4,646	Keep	
last night	5,440	7,277	Narrow	Within the same family as any reference to Plaintiff
lion king	6	8	Keep	
Marijuana	199	264	Remove	Not Relevant
Motherlode Mansion OR Motherlode	3	5	Remove	Not Relevant

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<u>Search Term</u>	<u>Hits</u>	<u>Family</u>	<u>Action</u>	<u>Note</u>
Mushroom	60	121	Remove	Not Relevant
Nef	22	44	Keep	
Nefissa	1,681	4,759	Keep	
Nefissa SK	0	0	Keep	
Nefissa SK*	0	0	Keep	
Nefissa Soraya Kraiem	1,471	4,517	Keep	
NK	487	2,036	Keep	
NSFW	0	0	Keep	
one pager	380	612	Remove	Not Relevant
Photo*	8,278	15,059	Narrow	Within the same family as any reference to Plaintiff
Pic*	17,895	28,101	Narrow	Within the same family as any reference to Plaintiff
Pot	1,211	2,172	Remove	Not Relevant
Powder	710	1,936	Remove	Not Relevant
Presentation	5,002	11,708	Remove	Not Relevant
Presentation*	5,965	13,311	Remove	Not Relevant
Princess	68	280	Narrow	Within the same family as any reference to Plaintiff
Prostitute	7	11	Remove	Not Relevant
Rumor	453	735	Narrow	Within the same family as any reference to Plaintiff
Screw*	529	864	Narrow	Within the same family as any reference to Plaintiff
Sex	1,054	1,981	Narrow	Within the same family as any reference to Plaintiff
Sex*	1,661	3,071	Narrow	Within the same family as any reference to Plaintiff
Shroom	3	6	Remove	Not Relevant
sit on his face	1	1	Narrow	Within the same family as any reference to Plaintiff
Ski	611	968	Remove	Not Relevant
Skiing	299	448	Remove	Not Relevant

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<u>Search Term</u>	<u>Hits</u>	<u>Family</u>	<u>Action</u>	<u>Note</u>
Slayed	4	4	Remove	Not Relevant
Sleep*	1,718	3,723	Narrow	Within the same family as any reference to Plaintiff
Slept	70	71	Narrow	Within the same family as any reference to Plaintiff
Snow*	1,775	3,392	Remove	Not Relevant
strip club	4	6	Remove	Not Relevant
Strip*	1,770	5,949	Remove	Not Relevant
stupid woman	0	0	Keep	
Suck*	689	842	Narrow	Within the same family as any reference to Plaintiff
Talent	939	3,118	Remove	Not Relevant
the closing print	929	3,513	Remove	Not Relevant
the Jimmy	12	43	Keep	
the king	138	315	Remove	Not Relevant
the white	2,011	3,260	Remove	Not Relevant
Tits	12	17	Narrow	Within the same family as any reference to Plaintiff
what traders are watching	2,587	3,221	Narrow	Within the same family as any reference to Plaintiff
Whore	3	3	Narrow	Within the same family as any reference to Plaintiff
Wom*	2,997	6,526	Narrow	Within the same family as any reference to Plaintiff
Zullu OR Zulu	52	62	Remove	Not Relevant

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Defendants propose to have meet-and-confer on **July 26, 2023 at 10:30 AM** regarding these search terms. Defendants believe that many of these searches can be narrowed further or eliminated, as they are unlikely to produce responsive documents or admissible evidence.

Very truly yours,

KAUFMAN BORGEEST & RYAN LLP



Joan M. Gilbride  
Daniel Lewkowicz

CC: Robert Stulberg, Esq.